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Programme budget for the biennium 2016-2017

Revised estimates relating to the programme budget for the biennium 2016-2017 under section 7, International Court of Justice

Report of the Secretary-General

Summary

Pursuant to the terms of regulation 2.14 of the Financial Regulations and Rules of the United Nations, the present report contains the proposals for revised estimates for the biennium 2016-2017 under section 7, International Court of Justice.

It is estimated that additional resources in the amount of $170,000 would be required for the biennium 2016-2017 in order to allow the International Court of Justice to finance the expert opinion it has decided to entrust, by an order dated 31 May 2016, to two independent experts in the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)*.

Of those requirements, an amount of $50,000 relates to expenses occasioned by the appointment of experts in compliance with Article 50 of the Court's Statute, as authorized under General Assembly resolution 70/250 on unforeseen and extraordinary expenses for the biennium 2016-2017.

In the present report, the Secretary-General requests the appropriation of the remaining requirements in the amount of $120,000 under section 7, International Court of Justice.

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I. International Court of Justice

A. Background, mandate and objective

1. Under the terms of regulation 2.14 of the Financial Regulations and Rules of the United Nations, the programme budget proposals of the International Court of Justice are prepared by the Court, in consultation with the Secretary-General, and are submitted to the General Assembly by the Secretary-General, together with such observations as he may deem desirable.

2. The International Court of Justice, composed of 15 judges elected by the General Assembly and the Security Council, is one of the six principal organs of the United Nations and is the principal judicial organ of the Organization. It functions in accordance with its Statute, which is an integral part of the Charter of the United Nations. The Court decides, in conformity with international law, disputes which are submitted to it by States, and may give advisory opinions on legal questions at the request of bodies authorized to make such a request in the Charter or in accordance with its provisions. A total of 193 States are parties to the Statute of the Court, and 72 of them have recognized the Court's jurisdiction as compulsory pursuant to Article 36, paragraph 2, of its Statute. In addition, more than 300 bilateral and multilateral treaties grant the Court jurisdiction in the resolution of various types of disputes. States may also confer jurisdiction to the Court to entertain a case by way of a special agreement. The Court submits annual reports to the General Assembly, the most recent of which is contained in document A/71/4.

3. The Court must at all times be able to exercise the functions entrusted to it if the terms and intent of the Charter are to be respected. The Court notes that, although it is inherently impossible to forecast its main workload indicators (e.g., the number of new proceedings that will be instituted, including incidental proceedings in pending cases), it has made an effort to assess its requirements for the biennium 2016-2017 against the background of the Court's workload for the previous two bienniums.

B. Performance information

4. An assessment of the estimated requirements of the International Court of Justice for the biennium 2016-2017 needs to be measured against the background and complexity of the Court's workload.

5. Over the first 10 months of the biennium 2016-2017 (up to 31 October 2016), three new applications and a request for the indication of provisional measures were filed with the Court. The Court held hearings in five cases and rendered five judgments. At the time of submission of the revised 2016-2017 budget (October 2016), 11 cases were pending before the Court.

C. Overview of resources

6. It is not possible for the International Court of Justice to absorb the additional resource requirements, in the light of the budget approved by the General Assembly

in December 2015. The overall resources approved for the biennium 2016-2017 for section 7 amount to $45,975,700, reflecting a net decrease of $5,084,000 (or 10 per cent) compared with the appropriation for 2014-2015.

7. The distribution of required additional resources is reflected in the table below.

D. Revised planning assumptions

8. In one of the cases currently pending before it, which concerns *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)*, the Court, by an order dated 31 May 2016, decided, in the exercise of its judicial duties, to arrange for an expert opinion, in accordance with Article 50 of the Statute and article 67 of the Rules of Court. The purpose of this expert opinion is to collect, during site visits, all the factual elements relating to the state of the coast between the point suggested by Costa Rica and the point suggested by Nicaragua in their pleadings as the starting point of the maritime boundary in the Caribbean Sea. The Court further decided that this expert opinion would be entrusted to two independent experts appointed by order of the President of the Court after hearing the Parties.

9. By an order issued on 16 June 2016, the President of the Court appointed Mr. Éric Fouache and Mr. Francisco Gutiérrez as experts in the case.

10. In order to carry out their mission, the experts will have to conduct two site visits, prepare a report, answer questions from the judges, reply to the written observations to be made by the Parties on the experts' report, and travel several times to The Hague, in particular to be examined during the hearings in the case. Furthermore, as provided for in the Court's order, the Registrar has had to ensure secretarial arrangements for the experts and has appointed two officials of the Registry to perform those duties, including during the site visits.

11. In view of the above, it is anticipated that the expenses occasioned by the appointment of the two experts will be approximately $170,000.

E. Unforeseen and extraordinary expenses

12. By its resolution 70/250 on unforeseen and extraordinary expenses for the biennium 2016-2017, the General Assembly authorized the Secretary-General to enter into commitments relating to expenses occasioned by the appointment of experts as per Article 50 of the Court's Statute, upon certification by the President of the International Court of Justice, for an amount not exceeding a total of $50,000.

13. Further to the request addressed on 6 June 2016 by the Registrar to the Secretary-General, the Court received the amount of $50,000 provided for in the above-mentioned resolution. The related appropriation will be sought in the context of the first performance report on the programme budget for the biennium 2016-2017.

F. Extrabudgetary resources

14. The budget of the International Court of Justice does not contain any extrabudgetary resources.

II. Estimated additional resource requirements for the biennium 2016-2017

15. In view of the fact that the statutory expenses occasioned by the appointment of the two experts will be approximately $170,000, and taking into account the amount of $50,000 already allocated to the Court's budget, additional resource requirements for the proposal described above for the biennium 2016-2017 amount to $120,000 and are summarized in the table below, by object of expenditure.

Table 1
Additional resource requirements by object of expenditure
(Thousands of United States dollars)

	Initial appropriation	*Unforeseen extraordinary expenses*[a]	*Additional requirements*	*Revised estimates*
	2016-2017	*2016*	*2017*	*2016-2017*
Object of expenditure	*(1)*	*(2)*	*(3)*	*(4)=(1)+(2)+(3)*
Posts	21 616.4	–	–	21 616.4
Other staff costs	1 998.0	–	–	1 998.0
Non-staff compensation	14 992.3	–	–	14 992.3
Consultants	297.2	50.0	120.0	467.2
Travel of staff	91.3	–	–	91.3
Contractual services	2 500.4	–	–	2 500.4
General operating expenses	3 603.8	–	–	3 603.8
Hospitality	25.1	–	–	25.1
Supplies and materials	564.5	–	–	564.5
Furniture and equipment	286.7	–	–	286.7
Total	**45 975.7**	**50.0**	**120.0**	**46 145.7**

[a] See resolution 70/250.

16. The proposed resources would provide for payment for the fees of two experts, as well as for travel costs for on-site visits, consultations with Members of the Court and attendance at Court hearings in The Hague related to the case. The proposed resources would also provide for payment of on-site travel costs of two Registry officials who have been appointed to provide secretarial assistance to the experts. An overview of the resources approved for 2016-2017 and the actual expenditures as at 30 September 2016, by objects of expenditure, is provided in the annex.

17. The figures in the annex show that the Court spent 37 per cent of its budget appropriation for 2016-2017 in the first nine months of the biennium, which is the standard level of expenditure for the Court. The figures also show a lower level of spending under contractual services, primarily under data-processing services. After several audits and in order to implement the recommendations made, the Court is in the process of totally reshaping its information technology operations. The bulk of the work is due to commence in the last quarter of 2016 and will continue throughout 2017. The Court expects that the resources approved would be required for each object of expenditure and exhausted by the end of the current biennium.

III. Action requested of the General Assembly

18. **The General Assembly is requested to:**

(a) **Approve the additional resources proposed in the amount of $120,000 under the programme budget for the biennium 2016-2017;**

(b) **Appropriate an amount of $120,000 under section 7, International Court of Justice, of the programme budget for the biennium 2016-2017.**

Annex

Overview of expenditures as at 30 September 2016

(Thousands of United States dollars)

Object of expenditure	*Initial appropriation* 2016-2017 (1)	*Expenditures* As at 30 September 2016 (2)	*Projected expenditures* 1 October 2016 to 31 December 2017 (3)	*Estimated expenditure* 2016-2017 (4)=(2)+(3)	*Unforeseen extraordinary expenses*[a] 2016 (5)	*Additional requirements* 2017 (6)	*Revised estimates* 2016-2017 (7)=(6)+(5)+(1)
Posts	21 616.4	9 126.4	12 490.0	21 616.4	–	–	21 616.4
Other staff costs	1 998.0	619.9	1 378.1	1 998.0	–	–	1 998.0
Non-staff compensation	14 992.3	4 824.1	10 168.2	14 992.3	–	–	14 992.3
Consultants	297.2	162.7	134.5	297.2	50.0	120.0	467.2
Travel of staff	91.3	32.7	58.6	91.3	–	–	91.3
Contractual services	2 500.4	363.5	2 136.9	2 500.4	–	–	2 500.4
General operating expenses	3 603.8	1 305.9	2 297.9	3 603.8	–	–	3 603.8
Hospitality	25.1	16.1	9.0	25.1	–	–	25.1
Supplies and materials	564.5	215.9	348.6	564.5	–	–	564.5
Furniture and equipment	286.7	180.4	106.3	286.7	–	–	286.7
Total	**45 975.7**	**16 847.6**	**29 128.1**	**45 975.7**	**50.0**	**120.0**	**46 145.7**

[a] See resolution 70/250.